IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No. 382 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE DN PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVINDBHAI ISHWARBHAI PATEL AND ORS - Appellants
Versus
DHIRUBHAI CHHAGANBHAI PATEL AND ANR - Respondents

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Appearance :
M/S THAKKAR ASSOC. for Appellants:1-3
MR BC DAVE for Respondents:1-2

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CORAM : HONOURABLE MR.JUSTICE DN PATEL

Date : 17/07/2007

ORAL JUDGMENT

1. The present Appeal from Order has been preferred against the order dated 23rd September, 2005 passed

by the learned 4th Additional Senior Civil Judge, below Exh.5 in Special Civil Suit No.128 of 2003, whereby the Stay has been granted to the original plaintiff and the petitioner is a defendant in the suit.

2. Learned counsel appearing for the petitioner submitted that suffice it will be for the disposal if the direction is given to the Trial Court to dispose of the pending suit as expeditiously as possible and without being influenced by the observations made in the order passed below Exh.5.

3. I have heard learned counsel for the respondent (original plaintiff) and looking to the facts and circumstances of the case, I hereby direct the Trial Court to hear and dispose of Special Civil Suit No.128 of 2003 as expeditiously as possible and preferably, on or before 31st March, 2008. The decision will be taken by the Trial Court on the basis of evidence and in accordance with law and without being influenced by observations made in order passed below Exh.5 in the said suit.

4. Appeal from Order is finally disposed of, in view of the above observations.

(***D.N.PATEL, J.***)

Amit/-